IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

RSA.No. 618 OF 2003(F)

AS.1/1999 OF DISTRICT COURT, LAKSHADWEEP
OS.12/1983 OF MUNSIFF COURT, AMINI

APPELLANTS/APPELLANTS/DEFENDANTS 3,4 & 19 TO 24 IN THE SUIT:

1. KUNHIPPURA KUNHIBI,
D/O.ETTIYAPPILLIL MOHAMMEDKOYA,
RESIDING AT AMINI ISLAND,
U.T.OF LAKSHADWEEP.

2. DO.CHERIYAKOYA,
S/O.DO. IN DO.

3. DO.BUHARIKOYA,
S/O.KADUKKIYAM MUTHUKOYA,
IN DO. DO.

4. DO.ISHABI,
D/O. DO. IN DO.

5. DO.AMMEDKOYA,
S/O.MADALACHETTA NALLAKKOYA,
IN DO. DO.

6. DO.AHAMMEDKOYA,
S/O. DO. IN DO.

7. DO.ABDUSALAM, S/O. DO. IN DO.

8. DO.ATTABI,
D/O. DO IN DO.

BY ADV. SRI.S.V.BALAKRISHNA IYER
SRI.K.JAYAKUMAR

RESPONDENTS:
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1. KANNOL KOYA,
S/O.KANDAMANGALAM KIDAVUKOYA, AMINI,
U.T.OF LAKSHADWEEP.

2. DO.ATTABI,
D/O.KADUKKIYAM PAKKI KOYA,
IN DO. DO. (DIED)

3. DO.ATTAKKOYA,
S/.O.PANCHILAM HAMZA,
IN DO. DO.

4. SULTHAMBI,
D/O. DO. IN DO. DO. (DIED)

5. DO.KUNHIBI,
D/O.NAIKOCHODAM RAJABKUTTY,
IN DO. DO.

6. DO.ABDULLAKOYA,
S/O. DO. IN DO.

7. DO.KUNHI,
S/O. DO. IN DO. DO.

8. DO. NALLAKKOYA,
S/O. DO. IN DO. DO.

9. DO. CHERIYABI,
D/O.PACHILAM HAMZA KOYA,
IN DO.

10. BEEBI,
D/O;.BARALICHETTA NALLAKOYA,
AMINI ISLAND,
U.T.OF LAKSHADWEEP.

11. SEETHIKOYA, S/O. DO IN DO. DO.

12. BALIYABI,
D/O. DO. IN DO. DO.

13. KANNOL SUHARABI,
D/O. DO. IN DO.

14. DO.HALIMA,
D/O. DO. IN DO. DO.

15. DO.PATHUMMABI,
D/O.CHANAMKOTTYATHUPURA MUTHUKOYA,
IN DO. DO.

16. DO.SAROMMABI,
D/O. DO. IN DO. DO.

17. DO.KOJANKOYA,
S/O. DO. IN DO.

18. DO.HAJRABI,
D/O. DO. IN DO. DO.

19. DO.ATKABI,
D/O. DO. IN DO. DO.

20. DO.BASHEER.
S/O. DO. IN DO.

21. NALLALEKKAL ABOOSALAKOYA,
S/O. PUTHIDADAM KUNHIKOYA HAJI, DO. DO.

22. SS CHANATHABELI BE ALIAS YAYIBI,
D/O. CHANATHABELI AHAMMEDKOYA HAJI,
IN DO. DO.

23. DO. KOYA,
S/O.KEELAKUNHIKKAM HAMZA KOYA,
IN DO. DO.

24. DO.BASHEER,
S/O. DO IN DO. DO.

25. DO.JAMAL, S/O. DO. IN DO. DO.

26. DO.SAUDABI,
D/O. DO IN DO. DO.

27. DO.HABUSA,
D/O. DO. IN DO. DO.

28. DO. JAUFER,
S/O.KEELAKUNHIKKOM HAMZAKOYA,
IN DO. DO. (DIED)

29. DO.MARIYOMBI,
D/O.CHANATHBELI AHAMMEDKOYA,
IN DO. DO.

30. DO.ATTAKKOYA,
D/O.PANDIPURA HAMZAKOYA,
IN DO. DO.

31. DO.MOHAMMED KASIM,
S/O. DO IN DO. DO.

32. DO.SUHARABI,
D/O. DO IN DO. DO.

33. DO.IRPHAN,
S/O. DO IN DO. DO.

34. DO.SALEEM
S/O. DO IN DO. DO.

35. DO.ISHABI,
D/O. DO IN DO. DO.

36. DO.ABDURAHIMAN SADIQU,
S/O.BIYYAMMADA HAMZAKOYA, IN DO. DO.

37. DO.PATHUMMABI,
D/O. DO. IN DO.

38. DO.RAMLABEEGUM,
D/O. DO. IN DO.

39. CHANATHBELI HAMEEDATHBI,
D/O.BIYYAMMADA HAMZAKOYA,
AMINI ISLAND,
U.T.OF LAKSHADWEEP.

40. KANNOR MUTHUBI,
D/O.PACHILAM HAMZAKOYA,
IN DO. DO.

41. DO.HAMEEDATHBI,
D/O.BARALICHETTA KUNHI,
IN DO. DO.

42. DO.MOHAMMED HUSSAIN,
S/O. DO IN DO. DO.

43. DO.KUNHIKOYA,
S/O.BARALICHETTA NALLAKOYA,
IN DO. DO.

44. PALLICHAPURA BEE,
D/O.ETTIPALLI KIDAVEKOYA,
IN DO. DO.

45. DO.MOHAMMEDKOYA,
S/O. DO. IN DO. (DIED)

46. POOVALAPPY ATTABI,
D/O.POOVAEKUACHETTA POOKOYA,
IN DO. DO.

47. ABDULHAKEEM,
IN DO. DO.

48. SARAFUDHIN, IN DO. DO.

49. NALLIKKACHETTA MOHAMMED,
S/O.ELLA ANDER, IN DO. DO. (DIED)

50. KUNNAMANGALAM MUTHUBI,
D/O.POOKOYA, IN DO. DO.

51. DO.SHAFI, S/O.MOHAMMEDKOYA, IN DO.

52. DO.SAYEDKOYA,
S/O. DO. IN DO. DO.

53. DO.SAROMMABI,
D/O.OF DO. IN DO. DO.

(RESPONDENTS 3,4, 9 AND 15 ARE RECORDED AS THE L.RS. OF DECEASED 2ND RESPONDENT AS PER ORDER DATED 11.9.2007 ON MEMO FILED ON 1.12.2006.)

(RESPONDENTS 5 TO 8 ARE RECORDED AS THE L.RS OF DECEASED 4TH RESPONDENT AS PER ORDER DATED 11.9.2007 ON MEMO FILED ON 1.12.2006.)

(RESPONDENTS 22 TO 27 ARE RECORDED AS L.RS OF DECEASED RESPONDENT NO. 28 AS PER ORDER DATED 11.9.2007 ON MEMO FILED ON 1.12.2006.)

(RESPONDENTS 50 TO 53 ARE RECORDED AS THE L.RS OF DECEASED RESPONDENT NO. 45 AS PER ORDER DATED 11.9.2007 ON MEMO FILED ON 1.12.2006.)

R. 1,3,5 TO 22, 23 TO 27,29 TO R43:-
BY ADV. SRI.P.G.PARAMESWARA PANICKER (SR.) &
SRI.P.GOPAL
R44, 46 TO 48, 50 TO 53 BY ADV. SRI.C.S.ABDUL SAMMAD &
SRI.V.D.BALAKRISHNA KARTHA

THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON I.A. NO. 2532/2004 IN R.S.A. 618/2003

// DISMISSED //

11TH SEPTEMBER, 2007. SD/-

P.R. RAMAN, JUDGE.

SD/-
V.K. MOHANAN, JUDGE.

// TRUE COPY //

P.S. TO JUDGE.

Knc/-

P.R. RAMAN & V. K. MOHANAN, JJ.

R.S.A. 618/2003

DATED THIS, THE 11TH DAY OF SEPTEMBER, 2007.

J U D G M E N T

Raman, J.

Memos are filed for recording the Legal representatives of deceased Respondent Nos. 2, 4, 28, and 45 who died pending proceedings. Subsequently, the matter was settled before the Adalath. The memos are filed only to record Respondent Nos. 3, 4, 9 and 15 as the legal representatives of Respondent No.2, Respondents 5 to 8 as the LRs of deceased Respondent No.4, Respondents 22 to 27 as the L.Rs of Respondent No. 28 and Respondents 50 to 53 as the L.Rs of deceased Respondent No. 45.

It is agreed between the parties that the memos could be recorded. Accordingly, the memos are recorded. Since the matter is settled between the parties before the Adalath, the RSA is closed.

P.R. RAMAN,
(JUDGE)

V. K. MOHANAN,
(JUDGE)

knc/-

P.R. RAMAN, &
V.K. MOHANAN, JJ.
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R.S.A. NO. 618/2003

J U D G M E N T

DATED: 11.9.2007